

REMARKS

This response is intended as a full and complete response to the final Office Action mailed January 9, 2008. In the Office Action, the Examiner notes that claims 1-25, 27 and 28 are pending and rejected. By this response, Applicants have amended 1, 2, 12 and 28. Support for the amendments may be found in the Applicants' specification on at least page 11, line 13 – page 12, line 27.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Further, all the claims satisfy the requirements of 35 U.S.C. §112.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

REJECTION OF CLAIMS 1-11 UNDER 35 U.S.C. §112, ¶1

Claims 1-11 are rejected under 35 U.S.C. §112, ¶1, as failing to comply with the written description requirement. Responsive to the Examiner, the Applicants herein amend claims 1 and 2 to delete the limitation "via said desired transmission channel". The Applicants respectfully submit that claims 1-11 now fully satisfy the requirements of 35 U.S.C. § 112, ¶1 and respectfully request the rejection be withdrawn.

REJECTION OF CLAIMS 1-4, 7-16, 25, 27 AND 28 UNDER 35 U.S.C. §102

The Examiner has rejected claims 1-4, 7-16, 25, 27 and 28 under 35 U.S.C. §102(3) as being anticipated by Ellis et al. US2003/0149988A1 (hereinafter "Ellis"). Applicants respectfully traverse the rejection.

Applicants' claim 1 recites:

1. A method, comprising:
receiving audiovisual data from a desired transmission channel;

if said audiovisual data is not compressed according to a predetermined format, compressing said received audiovisual data according to said predetermined format;

storing dynamically, in a mass storage device and for a predefined period of time, compressed audiovisual data received from said desired transmission channel according to a title plan generated by a time shift scheduler, wherein said title plan includes a plurality of content, wherein at least one of said plurality of content has a variable duration, wherein storing dynamically comprises continually updating an allocation of memory in said mass storage device for said at least one of said plurality of content having a variable duration; and

in response to a user request, providing to said user said stored compressed audiovisual data beginning with a portion of said stored compressed audiovisual data having associated with it a first temporal parameter. (Emphasis added.)

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Ellis fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, Ellis fails to teach or suggest at least storing dynamically, in a mass storage device and for a predefined period of time, compressed audiovisual data received from said desired transmission channel according to a title plan generated by a time shift scheduler, wherein said title plan includes a plurality of content, wherein at least one of said plurality of content has a variable duration, wherein storing dynamically comprises continually updating an allocation of memory in a mass storage device for said at least one of said plurality of content having a variable duration, as recited in claim 1. For example, the Applicants' invention teaches that upon utilization of the predetermined amount of allocated memory, memory sufficient to store an additional hour's worth of content is allocated and the process is repeated as necessary until reception of the variable length time-shifted content has terminated. (See e.g., Applicants' specification, p. 12, ll. 3-27).

Ellis fails to anticipate Applicants' invention because Ellis fails to teach or suggest at least storing dynamically, in a mass storage device and for a predefined period of time, compressed audiovisual data received from said desired transmission channel according to a title plan generated by a time shift scheduler, wherein said title plan includes a plurality of content, wherein at least one of said plurality of content has a variable duration, wherein storing dynamically comprises continually updating an

allocation of memory in a mass storage device for said at least one of said plurality of content having a variable duration. Responsive to the Examiner, the Applicants herein amend claims 1, 2, 12 and 28 to recite the fact that storing dynamically comprises continually updating an allocation of memory in a mass storage device for said at least one of said plurality of content having a variable duration. In light of the amendment, the Applicants' invention provides dynamic storage of content having variable duration because the allocation of memory may be continually updated. (See e.g., Applicants' specification, p. 10, ll. 20-26). In contrast, Ellis is silent on this feature as well. Ellis appears to teach that a user may select a program that has a defined duration from an interactive programming guide. (See Ellis, para. [0087], [0133]; FIGs. 14d and 14e).

As previously argued, Applicants' invention provides advantages over Ellis. For example, it is possible that Ellis' invention only captures an amount equivalent to the reserved time block on the program guide (e.g. 6 pm to 8 pm), thereby, not recording the entire sports event if the sporting event continued beyond the reserved time block.

Thus, Ellis does not teach or suggest each and every one of the limitations of Applicants' invention as recited in claim 1. As such, Applicants submit that independent claim 1 is not anticipated by Ellis and is patentable under 35 U.S.C. §102. Independent claims 2, 12 and 28 recite relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claims 2, 12 and 28 also are not anticipated by Ellis and are patentable under 35 U.S.C. §102. Furthermore, claims 3-4, 7-11, 13-16 and 25 and 27 depend directly or indirectly from independent claims 2 and 12, while adding additional elements. Therefore, these dependent claims also are not anticipated by Ellis and are patentable under 35 U.S.C. §102 for at least the same reasons discussed above in regards to independent claims 1, 2, 12 and 28. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

REJECTION OF CLAIMS 5, 6 AND 17-21 UNDER 35 U.S.C. §103

The Examiner has rejected claims 5, 6 and 17-21 under 35 U.S.C. §103(a) as being unpatentable over Ellis et al. in view of Moeller et al. U.S. Patent No. 5,903,264 (hereinafter "Moeller"). Applicants respectfully traverse the rejection.

Claims 5, 6 and 17-21 depend directly or indirectly from independent claims 2 and 12 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Ellis reference fails to teach or suggest Applicants' invention as recited in claims 2 and 12. Accordingly, any attempted combination of the Ellis reference with any other additional reference(s), in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 5, 6 and 17-21 are patentable under 35 U.S.C. §103 over Ellis in view of Moeller. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

REJECTION OF CLAIMS 22-24 UNDER 35 U.S.C. §103

Claims 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Moeller and further in view of Youden et al. U.S. Patent 5,606,359 (hereinafter "Youden"). Applicants respectfully traverse the Examiner's rejection.

Claims 22-24 depend directly or indirectly from independent claim 12 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Ellis reference fails to teach or suggest Applicants' invention as recited in claim 12. Accordingly, any attempted combination of the Ellis reference with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 22-24 are patentable under 35 U.S.C. §103 over Ellis in view of Moeller and further in view of Youden. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Chin (Jimmy) Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

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